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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/698,328	Applicant(s) CLARK, EDWARD ALAN
	Examiner Kyung Hye Shin	Art Unit 2443

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 February 2010.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
 6) Other: _____

Non-Final ACTION

1. Claims 1 - 32 are pending. Claims 1, 17, 20 have been amended. Claim 32 is new. Claims 1, 17, 20 are independent. File date is on 10-31-2003.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 20 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows.

Claim 20 is rejected under 35 USC 101 since the claims are directed to non-statutory subject matter. Claim 20 recites **computer readable medium** which appear to cover both transitory and non-transitory embodiments. The United States Patent and Trademark Office (USPTO) is required to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO.

See *In re Zletz*, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable media (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating **signals per se** in view of the ordinary and customary meaning of computer readable media. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a **signal per se**, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject

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matter. See *In re Nijiten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and *Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101*, Aug. 24, 2009; p. 2.

The Examiner suggests that the Applicant add the limitation “**non-transitory**” to the **computer readable medium** as recited in the claim(s) in order to properly render the claim(s) in statutory form in view of their broadest reasonable interpretation in light of the originally filed specification. The Examiner also suggests that the specification may be amended to add the term “**non-transitory computer readable medium**” to avoid a potential objection to the specification for a lack of antecedent basis of the claimed terminology.

The specification on pages 15 and 16 discloses a computer-readable medium but does not explicitly disclose a non-transitory computer readable medium. Therefore, Claim 20 is directed towards non-statutory subject matter.

Amended specification page 16, line 18 - page 17, line 7:

The apparatus 100 employs at least one **computer readable** signal-bearing **medium**. One example of a **computer-readable** signal-bearing **medium** for the apparatus 100 comprises an instance of a recordable data storage medium such as one or more of a magnetic, electrical, optical, biological, and atomic data storage medium. The recordable data storage medium in one example comprises the storage device 101. In another example, computer-readable signal bearing medium for the apparatus 100 comprises a modulated carrier signal transmitted over a network comprising or coupled with the apparatus 100, for instance, one or more of a telephone network, a local area network (“LAN”), the internet and a wireless network. An exemplary component of the apparatus 100 employs and/or comprises a set and/or series of computer instructions written in or implemented with any of a number of programming languages, as will be appreciated by those skilled in the art,

The text of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1 - 6, 8 - 14, 17 - 22, 24, 26 - 32 are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Savage, III et al.** (US PGPUB No. **20010009014**) in view of **Mikhailov et al.** (US PGPUB No. **20020080949**) and further in view of **Murto et al.** (US Patent No. **5,966,662**) and **Chang et al.** (US Patent No. **5,958,016**).

Regarding Claim 1, Savage discloses an apparatus, comprising:

one or more application server components that transmit one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call; (Savage ¶ 017, II 1-6; multiple servers, clients (telephony devices); ¶ 108, II 5-9: telephony devices (i.e. electronic transmission of voice, RTP); ¶ 017, II 8-14: client requests (i.e. user inputs); in response to request from a client to join a first conference; ¶ 019, II 8-15; ¶ 089, II 1-6; ¶ 052, II 1-7: information regarding other participants in conference transmitted from server to each client; participants names displayed on each client's user interface; data transmissions (data streams) between multiple clients (i.e. telephony devices) and servers, conference communications)

wherein the one or more application server components establish the one or more data streams via employment of

- a) one or more data stream request messages; (Savage ¶ 017, II 8-14: client requests (i.e. user inputs); ¶ 048, II 1-13; ¶ 049, II 4-5: client contacts authentication server to join conference; in response server transmits a connect

command to client)

- b) one or more identifiers which distinguish calls associated with one or more application server components; (Savage ¶ 091, II 6-15: each atom is also characterized by a priority and identifies client of origin; stream, identifier: ¶ 050, II 1-8: client sends join request to server with parameters; parameters may include: conference name, account number, user name, web host IP; identification information within setup parameters)

Savage discloses call control functionality. (Savage ¶ 017, II 8-14: client requests; ¶ 048, II 1-13; ¶ 049, II 4-5: in response to setup call (request))

Savage does not explicitly disclose a Bearer Independent Call Control (BICC) protocol.

However, Mikhailov discloses wherein a Bearer Independent Call Control (BICC) protocol (Mikhailov ¶ 012, II 1-4: accessing bearer channel of subscribers during call progress; ¶ 038, II 4-13: service messages exchanged directly between systems; BICC messages exchanged between systems; ¶ 043, II 1-13: BICC call control messages exchanged between network elements; ISUP+(BICC) messages exchanged)

Savage does not explicitly disclose to communicate through employment of SIP. However, Mikhailov discloses wherein operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more application server components. (Mikhailov ¶ 013, II 11-13: content/service messaging network

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configured to exchange SIP signaling; ¶ 032, ll 1-4: content/service messaging protocol is preferably SIP)

Savage-Mikhailov does not explicitly disclose selecting identifiers or a priority selection method.

However, Murto discloses wherein select the one or more identifiers through employment of one or more methods, and at least one or more methods is a priority selection method. (Murto col 4, ll 36-53: monitors traffic load; divides stations into groups according to load; overloaded paging groups (identifiers) are classified into a lower priority paging group; lightly loaded paging groups are classified into higher priority paging group; identifiers for mobile stations used in selection process)

Savage-Mikhailov-Murto does not explicitly disclose application servers are customer premise equipment.

However, Chang discloses application server components that are customer premise equipment. (Chang col 4, ll 15-22: PC or other computer on customer premises can run telephone service programming software; customer premises equipment such as a computer or network connected server can perform telephone service functions)

It would have been obvious to one of ordinary skill in the art to modify Savage for communicating with Bearer Independent Call Control (BICC) protocol and to communicate through employment of SIP as taught by Mikhailov, and to modify Savage-Mikhailov for selecting identifiers and a priority selection method as taught

by Murto, and to modify Savage-Mikhailov-Murto for application servers as customer premise equipment as taught by Chang. One of ordinary skill in the art would have been motivated to employ the teachings of Mikhailov for flexible messaging and service features to telephone subscribers and permits service delivery economically (Mikhailov ¶ 010, II 1-8), and to employ the teachings of Murto to prevent unnecessary signaling between stations during call establishment due to inadequate channel resources (Murto col 2, II 6-10), and to employ the teachings of Chang for any subscriber to personally access and control their services from a general purpose computer without any special hardware/software interfaces (Chang col 4, II 39-42).

Regarding Claim 2, Savage discloses the apparatus of claim 1, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s), facilitate communications between clients) cooperate with the one or more telephony devices to establish one or more web portals that are employable by the one or more telephony devices to initiate the one or more user inputs. (Savage ¶ 011, II 4-9; ¶ 005, II 1-5: conferencing system; scaleable to any number of simultaneous users and any number of portals (web portals interface), ¶ 023, II 1-6: graphical user interface transmitted to first client for client inputs via the network)

Regarding Claim 3, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s) facilitate

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communications between clients) employ the one or more web portals to receive the one or more user inputs from the one or more telephony devices. (Savage ¶ 011, II 1-9; ¶ 005, II 1-5: provides connections among plurality of clients for transmission of data and thereby facilitates a conference including clients; web portals, real-time communications between clients; ¶ 019, II 8-15; ¶ 089, II 4-6: user inputs transferred between clients (i.e. telephony devices))

Regarding Claim 4, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s) facilitate communications between clients) associate the one or more web portals with the one or more data streams. (Savage ¶ 011, II 1-9: conferencing system is provided, scaleable to any number of simultaneous users and any number web portals, real-time communications among multiple clients; ¶ 019, II 8-15: server facilitates conference communication between clients; ¶ 089, II 4-6: inputs incoming data stream from clients and transmits outgoing data streams to clients; server(s) control communications (i.e. data streams) between clients)

Regarding Claim 5, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 017, II 1-6: server(s), facilitate communications between clients) provide one or more interfaces through employment of the one or more web portals for employment by the one or more telephony devices to initiate the one or more user inputs. (Savage ¶ 017, II 8-14; ¶ 022, II 1-11: server

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responds to request from client to facilitate or create first conference; setup data streams between clients)

Regarding Claim 6, Savage discloses the apparatus of claim 2, wherein the one or more application server components (Savage Figure 1; ¶ 019, II 1-4: server(s) facilitate communications between clients) employ an internet protocol to establish the one or more web portals. (Savage ¶ 108, II 5-9; ¶ 095, II 1-7: RTP, UDP/IP (i.e. Internet protocols); ¶ 040, II 3-6: Internet communications between servers and clients)

Regarding Claim 8, Savage discloses the apparatus of claim 1, wherein the one or more application server components allow the one or more telephony devices to interact through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 4-6: data streams (i.e. incoming and outgoing) utilized for communications between clients, controlled by servers)

Regarding Claim 9, Savage discloses the apparatus of claim 8,

- a) wherein the one or more application server components employ the one or more data streams to transfer data related to one or more interactions available to the one or more telephony devices; (Savage ¶ 019, II 8-15; ¶ 086, II 1-6: server(s) control communications between multiple clients (i.e. telephony devices))
- b) wherein the one or more application server components provide the one or more interactions to the one or more telephony devices for employment by the one or

more telephony devices to interact with one or more of the one or more telephony devices. (Savage ¶ 019, II 8-15; ¶ 086, II 1-6: server(s) control the communications (i.e. interactions) between multiple clients (i.e. telephony devices))

Regarding Claim 10, Savage discloses the apparatus of claim 9, wherein the one or more application server components associate the call with the one or more interactions available, and wherein the one or more application server components provide the one or more interactions available that allow the telephony devices to initiate the one or more user inputs from the one or more available interactions. (Savage ¶ 022, II 1-11; ¶ 020, II 8-16: server (i.e. dispatch server) initiates communications for clients (i.e. telephony device))

Regarding Claim 11, Savage discloses the apparatus of claim 8,

- wherein the one or more application server components comprise a first application server component and a second application server component, and wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage Figure 1; ¶ 017, II 1-6: multiple server (i.e. application server), multiple clients (i.e. telephony devices))
- wherein the first application server component provides one or more interactions available to the first telephony device that allow the first telephony device to initiate a user input from the one or more interactions available; (Savage ¶ 017, II

- 8-14; ¶ 023, II 1-6: user interface to initiate communications, conference)
- c) wherein in response to the user input from the first telephony device to the first application server component, the first application server component transmits the user input to the second application server component through employment of the one or more data streams; (Savage ¶ 019, II 8-15; ¶ 089, II 4-6: data streams utilized for communications between clients (i.e. telephony devices))
 - d) wherein the second application server component provides the user input to the second telephony device. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: server(s) control communications for clients (i.e. first, second telephony devices))

Regarding Claim 12, Savage discloses the apparatus of claim 11,

- a) wherein the user input comprises a first user input of the one or more user inputs, and wherein the second telephony device initiates a second user input to the first telephony device; (Savage ¶ 019, II 8-15; ¶ 089, II 1-8; ¶ 052, II 1-7: first, second clients (i.e. first, second telephony devices) in communications, conference capability, multiple clients (i.e. telephony devices) in communications)
- b) wherein the first application server component and the second application server component cooperate to transmit the second user input to the first application server component through employment of the one or more data streams; (Savage ¶ 048, II 3-6: dispatch server, media server communicate for authentication, authentication server validates request and transmits request to dispatch server; ¶ 052, II 1-7: multiple clients (i.e. telephony devices) in

communications)

- c) wherein the first application server component provides the second user input to the first telephony device. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: data stream, input/response for clients (i.e. telephony devices), multiple clients (i.e. telephony devices) in communications)

Regarding Claim 13, Savage discloses the apparatus of claim 2,

- a) wherein the one or more user inputs comprise one or more sales interactions (Savage ¶ 056, II 8-14: sales function interaction), wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage Figure 1; ¶ 011, II 1-4: multiple clients (i.e. first, second telephony devices))
- b) wherein the one or more application server components provide the one or more sales interactions (Savage ¶ 056, II 8-14: sales function interaction) that allow the first telephony device to initiate one or more of the one or more sales interactions to the second telephony device; (Savage ¶ 019, II 8-15; ¶ 089, II 4-6: information exchanged between multiple clients (i.e. first, second))
- c) wherein the one or more application server components cooperate to transmit the one or more of the one or more sales interactions (Savage ¶ 056, II 8-14: sales function interaction) from the first telephony device to the second telephony device through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: data streams (i.e. incoming, outgoing) transmit information

between clients (i.e. telephony devices))

Regarding Claim 14, Savage discloses the apparatus of claim 13,

- a) wherein the one or more sales interactions (Savage ¶ 056, II 8-14: sales function interaction) comprise a request for authorization, and wherein the one or more application server components provide the one or more sales interactions that allow the first telephony device to initiate the request for authorization to the second telephony device; (Savage ¶ 048, II 1-13; ¶ 073, II 1-9: authentication, validation request for client)
- b) wherein in response to the request for authorization from the first telephony device to the first application server component, the first application server component transmits the request for authorization to the second application server component through employment of the one or more data streams; (Savage ¶ 048, II 3-6: servers communicate for authentication, authentication server validates request and transmits request to dispatch server)
- c) wherein the second application server component provides the request for authorization to the second telephony device that allows the second telephony device to initiate a response to the request for authorization. (Savage ¶ 048, II 1-13; ¶ 073, II 1-9: authentication, validation request of clients (i.e. first, second telephony devices))

Regarding Claim 17, Savage discloses a method, comprising the step of:

- 1) transmitting one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call.
(Savage ¶ 017, II 1-6: multiple clients (i.e. telephony devices); ¶ 019, II 8-15; ¶ 089, II 4-6: data stream (i.e. user inputs/responses) transmitted between clients)
- 2) wherein the one or more application server components establish the one or more data streams via employment of
 - a) one or more data stream request messages; (Savage ¶ 017, lines 8-14: client requests (i.e. user inputs); ¶ 048, II 1-13; ¶ 049, II 4-5: in response to setup call (request))
 - b) one or more identifiers which distinguish calls associated with one or more application server components (Savage ¶ 091, II 6-15: stream, identifier: ¶ 050, II 1-8: as identifier within parameter)

Savage discloses call control functionality. (Savage ¶ 017, II 8-14: client requests (i.e. user inputs); ¶ 048, II 1-13; ¶ 049, II 4-5: in response to setup call (request))

Mikhailov discloses a Bearer Independent Call Control (BICC) protocol and to communicate through employment of a Session Initiation Protocol (SIP) with one or more application server components as stated above.

Murto discloses the one or more identifiers are selected through employment of one or more methods and at least one of the methods is a priority selection method as stated above.

Chang discloses application server components consisting of customer premise equipment as stated above.

Regarding Claim 18, Savage discloses the method of claim 17, wherein the step of transmitting the one or more user inputs the one or more telephony devices on the call through employment of the one or more data streams associated with the call comprises the steps of:

- a) establishing one or more web portals with the one or more telephony devices; (Savage ¶ 011, II 1-9: web portal, communications with multiple clients (i.e. telephony devices))
- b) initiating the one or more user inputs through employment of the one or more web portals; (Savage ¶ 011, II 1-9: web portals, real-time communications between portal and clients (i.e. telephony devices); ¶ 023, II 1-6: user interface, user inputs)
- c) transmitting the one or more user inputs through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: data stream transmissions for client (i.e. user) inputs/responses)

Regarding Claim 19, Savage discloses the method of claim 18, wherein the one or more telephony devices comprise a first telephony device and a second telephony device, and wherein the step of transmitting the one or more user inputs through employment of the one or more data streams comprises the steps of:

- a) associating the one or more web portals with the call; (Savage ¶ 011, II 1-9: web portal; ¶ 040, II 3-6: communications network; ¶ 051, II 5-26: call setup/communications capabilities)
- b) associating the one or more web portals with the one or more data streams.
(Savage ¶ 011, II 1-9: portals communications; ¶ 089, II 4-6; ¶ 019, II 8-15: data stream (i.e. incoming, outgoing), communications between clients (i.e. telephony devices))

Regarding Claim 20, Savage discloses a computer-readable medium having computer executable instructions for performing steps, comprising:

- 1) means in the one or more media for transmitting one or more user inputs to one or more telephony devices on a call through employment of one or more data streams associated with the call; (Savage ¶ 131, II 1-8: software, implementation means)
- 2) wherein the one or more application server components establish the one or more data streams via employment of
 - a) one or more data stream request messages; (Savage ¶ 017, II 8-14: client requests (i.e. user inputs); ¶ 048, II 1-13; ¶ 049, II 4-5: in response to setup call (request))
 - b) one or more identifiers which distinguish calls associated with one or more application server components; (Savage ¶ 091, II 6-15: stream, identifier: ¶ 050, II 1-8: as identifier within parameter)

Savage discloses call control functionality. (Savage ¶ 017, II 8-14: client requests (i.e. user inputs); ¶ 048, II 1-13; ¶ 049, II 4-5: in response to setup call (request))

Mikhailov discloses a Bearer Independent Call Control (BICC) protocol and to communicate through employment of a Session Initiation Protocol (SIP) with one or more application server components as stated above.

Murto discloses one or more identifiers are selected through employment of one or more methods and at least one of the one or more methods is a priority selection method as stated above.

Chang discloses application server components consisting of customer premise equipment as stated above.

Regarding Claim 21, Savage discloses the apparatus of claim 1, wherein the one or more identifiers comprise a network address, a port number, and an identification tag. (Savage ¶ 050, II 1-8: as identifier within parameter, web host IP; ¶ 094, 13-16: source ID (used to identify client))

Regarding Claim 22, Savage discloses the apparatus of claim 1 and application server components.

Murto discloses selects one or more identifiers through employment of one or more methods, and at least one of the one or more methods is a priority selection method as

stated above.

Regarding Claim 24, Savage discloses the apparatus of claim 1 wherein one or more application server components to communicate. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose Session Initiation Protocol (SIP).

However, Mikhailov discloses wherein employing Session Initiation Protocol (SIP).

(Mikhailov ¶ 013, ll 10-12: configured to exchange SIP signaling messaging)

Motivation for Mikhailov to disclose Session Initiation Protocol (SIP) as stated above.

Regarding Claim 26, Savage discloses the apparatus of claim 1, wherein the one or more telephony devices are computers. (Savage ¶ 129, ll 1-3: computer system used to implement various servers and clients described herein; specification discloses that telephony device can be a computer, web-enabled device (a computer also), or a telephone))

Regarding Claim 27, Savage discloses the apparatus of claim 1, wherein the one or more telephony devices are web-enabled devices. (Savage ¶ 129, ll 1-3: computer system which may be used to implement the various servers and clients described herein; specification discloses that telephony device can be a computer, web-enabled

device (a computer also), or a telephone))

Regarding Claim 28, Savage discloses the apparatus of claim 1.

Savage does not explicitly disclose ISUP protocol.

However, Mikhailov discloses wherein another one of the one or more call control protocols is an Integrated Services Digital Network User Part (ISUP) protocol.

(Mikhailov ¶ 037, II 1-8: call control messaging such as ISUP, translates message to determine service to be provided in response to call control message)

Motivation for Mikhailov to disclose communicating with ISUP protocol as stated above.

Regarding Claim 29, Savage discloses the apparatus of claim 1.

Savage does not explicitly disclose TCAP protocol.

However, Mikhailov discloses wherein another one of the one or more call control protocols is a Transaction Capabilities Application Part (TCAP) protocol. (Mikhailov ¶ 038, II 15-21: TCAP transaction enables a service feature requesting a calling party to select an item from a menu)

Motivation for Mikhailov to disclose communicating with TCAP protocol as stated above.

Regarding Claim 30, Savage discloses the apparatus of claim 1, wherein a switch component is pre-provisioned to communicate with at least one of the one or more application server components. (Savage ¶ 040, II 26-28: dispatch server communicates with media servers and clients via switch 105; switch provisioned in one embodiment to

communication with media (application) server; standby dispatch server 110 runs a service which monitors dispatch server 102 (server 110 setup or pre-provisioned) to monitor (communicate) with server 102))

Regarding Claim 31, Savage discloses the apparatus of claim 1, wherein at least one or more user inputs. (Savage ¶ 017, II 8-14: client requests (i.e. user inputs))

Savage-Mikhailov-Murto does not explicitly disclose transfer of a purchase order. However, Chang discloses transfer of a purchase order. (Chang col 23, II 55-60: subscribers obtain (transfer) purchase order subscriptions via web page based Internet access)

Motivation for Chang to disclose transfer of a purchase order as stated above.

Regarding Claim 32, Savage discloses the apparatus of claim 1.

Savage does not explicitly disclose operable to communicate through employment of the Session Initiation Protocol.

However, Mikhailov discloses wherein the at least one of the one or more application server components is operable to communicate through employment of the Session Initiation Protocol or a User Datagram Protocol with the one or more other application server components. (Mikhailov ¶ 013, II 11-13: content/service messaging network configured to exchange SIP signaling; ¶ 032, II 1-4: content/service messaging protocol is preferably SIP)

Motivation for Mikhailov to disclose Session Initiation Protocol (SIP) as stated above.

5. Claims 7, 15, 16, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Savage-Mikhailov-Murto-Chang** and further in view of **Cloutier et al.** (US PGPUB No. 20040015405).

Regarding Claim 7, Savage discloses the apparatus of claim 6, further comprising wherein the internet protocol, wherein the one or more application server components employ communications to establish the one or more web portals. (Savage ¶ 040, II 3-6: Internet communications; ¶ 011, II 4-9; ¶ 005, II 1-5: web portals interface)

Savage does not explicitly disclose HTTP protocol.

However, Cloutier discloses:

wherein a HyperText Transport Protocol (HTTP); (Cloutier ¶ 016, II 5-11: telephony services; ¶ 058, II 5-12: web portal capabilities; ¶ 055, II 5-9: HTTP protocol, HTML language)

It would have been obvious to one of ordinary skill in the art to modify Savage for HTTP protocol as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier for a more efficient service provider selection process by providing a single interface to evaluate broadband service providers. (Cloutier ¶ 092, II 10-16)

Regarding Claim 15, Savage discloses the apparatus of claim 2,
a) wherein the one or more user inputs comprise one or more support interactions,

and wherein the one or more telephony devices comprise a first telephony device and a second telephony device; (Savage ¶ 017, II 1-6: multiple clients (i.e. first, second telephony devices); ¶ 019, II 8-15; ¶ 089, II 1-6: communications between clients (i.e. first, second telephony devices))

- b) wherein the one or more application server components provide the one or more support interactions that allow the first telephony device to initiate one or more of the one or more interactions to the second telephony device; (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications between clients; ¶ 052, II 1-7: multiple client communications, conference)
- c) wherein the one or more application server components cooperate to transmit the one or more of the one or more interactions to the second telephony device through employment of the one or more data streams. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications between clients; ¶ 052, II 1-7: multiple client communications, conference)

Savage does not explicitly disclose support interactions.

However, Cloutier discloses wherein one or more support interactions. (Cloutier ¶ 016, II 5-11: telephony services; ¶ 058, II 5-12: web portal capabilities; ¶ 026, II 1-4; ¶ 046, II 10-23: support services interactions)

It would have been obvious to one of ordinary skill in the art to modify Savage for support interactions as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above

Regarding Claim 16, Savage discloses the apparatus of claim 15,

- a) wherein the one or more support interactions comprise a service, and wherein the one or more application server components provide the one or more interactions to allow a user of the first telephony device to initiate the service to the second telephony device; (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications, interactions between first and second client (i.e. first, second telephony devices))
- b) wherein in response to the service from the first telephony device to the one or more application server components, the one or more application server components transmit the service to the second telephony device through employment of the one or more data streams; (Savage ¶ 019, II 8-15; ¶ 089, II 1-6: communications (i.e. data streams), interactions between first and second client (i.e. first, second telephony devices))
- c) wherein the one or more application server components provide the service to the second telephony device that allows the first telephony device to interact with the second telephony device. (Savage ¶ 019, II 8-15; ¶ 089, II 1-6; ¶ 052, II 1-7: communications (service), interaction between first and second client (i.e. first, second telephony devices))

Savage does not explicitly disclose diagnostic service.

However, Cloutier discloses wherein diagnostic service. (Cloutier ¶ 016, II 5-11: telephony services; ¶ 058, II 5-12: web portal capabilities; ¶ 047, II 4-10; ¶ 053; ¶ 062, II 1-9: maintenance (i.e. diagnostic) workstation, operations support,)

It would have been obvious to one of ordinary skill in the art to modify Savage for diagnostic service as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above

Regarding Claim 25, Savage discloses the apparatus of claim 1 wherein the one or more application server components transfer data. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶ 052, ll 1-7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose an extended Markup Language (XML) interface. However, Cloutier discloses wherein an extended Markup Language (XML) interface. (Cloutier ¶ 060: web based interfaces implemented such as an XML interface)

It would have been obvious to one of ordinary skill in the art to modify Savage for an extended Markup Language (XML) interface as taught by Cloutier. One of ordinary skill in the art would have been motivated to employ the teachings of Cloutier as stated above.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Savage-Mikhailov-Murto-Chang** and further in view of **Battle et al.** (US Patent No. 6,081,592).

Regarding Claim 23, Savage discloses the apparatus of claim 1. (Savage ¶ 017, ll 1-6; multiple servers, multiple clients (i.e. telephony devices); ¶ 019, ll 8-15; ¶ 089, ll 1-6; ¶

052, II 1-7: data transmissions between multiple clients (i.e. telephony devices) utilizing servers, conference communications)

Savage does not explicitly disclose a selection method.

However, Murto discloses wherein a selection method. (Murto col 4, II 36-53: monitors traffic load; divides stations into groups according to load; overloaded paging groups (identifiers) are classified into a lower priority paging group; lightly loaded paging groups are classified into higher priority paging group; identifiers for mobile stations used in selection process) Murto discloses a selection method as stated above.

Savage-Mikhailov-Murto-Chang does not explicitly disclose a switch component.

However, Battle discloses wherein information provided by a switch component. (Battle col 7, II 40-46: switch hardware, used in connecting calls; col 21, II 1-4: call coupling and call processing control means in a switch)

It would have been obvious to one of ordinary skill in the art to modify Savage-Mikhailov-Murto-Chang for a switch component as taught by Battle. One of ordinary skill in the art would have been motivated to employ the teachings of Battle for greater flexibility in structuring both regular and call-handling tasks by automatically directing call work to individuals. (Battle col 3, II 17-20)

Response to Arguments

7 Applicant's arguments have been fully considered but are partially moot due to new grounds of rejection.

A. Rejection Under Savage, Mikhailov, Battle, Murto and Hutton

1. Applicant argues amended claim limitation: *operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment*
(Remarks Page 12, Lines 22-24)

Savage, Mikhailov, Murto and Chang disclose application servers used in telephone telecommunications services. Mikhailov discloses computing equipment such as application servers operable to utilize SIP as a messaging protocol. (Mikhailov ¶ 013, ll 11-13: content/service messaging network configured to exchange SIP signaling; ¶ 032, ll 1-4: content/service messaging protocol is preferably SIP) And, Chang discloses that customer computer equipment (CPE) such as a PC or a server type computing system can be used to perform telephone communications services such as controlling communications between servers. (Chang col 4, ll 15-22: PC or other computer on customer premises can run telephone service programming software; customer premises equipment such as a computer or network connected server can perform telephone service functions) Hutton is no longer used as grounds of rejection.

2. Applicant argues: *dependent claims 2 -14 and 21 - 31* *(Remarks Page 13, Lines 22-24)*

Responses to arguments for independent claims, also respond to the current arguments against the dependent claims.

3. Applicant argues: independent claims 17 and 20 (*Remarks Page 13, Line 25 - Page 14, Line 1*)

Independent claims 17 and 20 contain a similar limitation as independent claim 1. Responses to arguments for independent claim 1, also successfully respond to the current arguments against the independent claims 17 and 20.

4. Applicant argues: *dependent claims 18 and 19* (*Remarks Page 14, Lines 1-3*)

Responses to arguments for independent claims, also respond to the current arguments against the dependent claims.

B. Rejection Under Salvage, Mikhailov, Battle, Murto, Hutton, Cloutier and Chang

1. Applicant argues: *prior art Cloutier and Chang and claims 7, 15, 16, 25 and 31* (*Remarks Page 14, Lines 4-21*)

Cloutier and Chang are not used to disclose the claim limitation: "*wherein at least one of the one or more application server components is customer premise equipment operable to communicate through employment of a Session Initiation Protocol (SIP) with one or more other application server components that are customer premise equipment*".

2. Applicant argues: *new claim 32* (*Remarks Page 14, Lines 22-25*)

Claim 32 is a newly amended claim limitation and is addressed in the current Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung Hye Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tonia L. Dollinger can be reached on (571) 272-4170. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 9, 2010

/Kyung Hye Shin/
Examiner, Art Unit 2443